

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARIO CAPOGROSSO

Plaintiff,

v.

ALAN GELBSTEIN, *et al.*,

Defendants.

1:18-cv-2710 (EK) (LB)

**ECF Case
Electronically Filed**

NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant's Motion for Summary Judgment, Defendant's Statement of Undisputed Material Facts, Declaration of Maura Douglas and exhibits thereto, and all the pleadings and proceedings herein, Defendant David Smart, by and through his undersigned counsel, will move this Court before the Honorable Judge Eric Komitee, United States District Judge, at the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time to be determined by the Court, for an order, pursuant to Federal Rule of Civil Procedure 56, granting summary judgment in favor of Mr. Smart and against Plaintiff on all claims asserted against Mr. Smart in the Complaint, and dismissing the Complaint.

In accordance with the schedule set by the Court on April 20, 2021, Plaintiff's answering papers shall be filed and served on or before June 29, 2021, and Defendant's reply papers shall be filed and served on or before July 9, 2021.

Dated: New York, New York
May 17, 2021

Respectfully submitted,

By: 

Maura Douglas
Brianne Holland-Stergar

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